

## ITEM

SUBJECT City Of Taft, Taft Federal Prison Wastewater Treatment Facility, Kern County

BOARD ACTION *Consideration of a Special Order amending NPDES permit.*

BACKGROUND The City of Taft owns and operates a WWTF for the Taft Federal Prison. The WWTF discharges to Sandy Creek, an ephemeral stream, at a location near the intersection of Sandy Creek and the California Aqueduct.

WDRs Order No. R5-2004-0011 recognizes Sandy Creek as a water of the United States, and consequently, it serves as an NPDES permit. Discharges to Sandy Creek have been regulated by NPDES permits since the 1970's.

The Basin Plan designates beneficial uses of the waters of the Basin. Sandy Creek, as a Valley Floor Water, has a designated beneficial use of warm freshwater habitat (WARM).

To protect WARM, Order No. R5-2004-0011 contains stringent effluent chlorine limits consistent with those applied in many NPDES permits. It also establishes a time schedule for the City to implement dechlorination so discharges from the WWTF will meet the limits.

On 4 February 2005, at the request of representatives of Assemblyman McCarthy's office, Regional Board staff met with Assemblyman McCarthy and his staff, a representative of Senator Ashburn's office, and City officials to discuss whether Sandy Creek is a Water of the United States, and whether WARM is a potential use of Sandy Creek. Based on the meeting, the City believes that Sandy Creek is an isolated water, and given recent decisions that exclude isolated waters under certain circumstances from federal Clean Water Act regulation, that the discharge should no longer be subject regulation under the NPDES program. The City also questions whether WARM is a probable use of Sandy Creek. The City wishes review of these issues before it spends funds implementing dechlorination at a cost it reports to be near \$500,000.

During a post-meeting site visit to Sandy Creek, Regional Board staff did not observe any evidence of WARM. Sandy Creek was dry upstream of the discharge and devoid of aquatic vegetation. Downstream, Sandy Creek flowed for approximately one mile, after which the treated wastewater infiltrated completely into the creek bed. The water depth was a maximum of one to two inches with no significant pools. Sandy Creek (i.e., creek channel and bed) transitioned completely into valley floor rangeland approximately 1.8 miles downstream of the discharge.

The City is required by the California Department of Water Resources to maintain the stretch of Sandy Creek immediately adjacent to and crossing over the siphon to protect the structure. To accomplish this, the City must cease discharge for two to three weeks each year to dry out and clear the bed of Sandy Creek. As a result, Sandy Creek dries up completely along its wetted reach,

eliminating potential WARM use during this period.

Federal Emergency Management Agency (FEMA) flood data indicates that during a 100-year flood event, Sandy Creek flows would not reach the historic Buena Vista Lake bed.

Given the above facts, it is reasonable and appropriate to delay implementing costly protection of WARM while the City and this Regional Board gather evidence for formal decisions: a. regarding whether Sandy Creek is a Water of the United States, and b. whether WARM is a beneficial use of Sandy Creek or one that can be dedesignated. Alternatively, it may be appropriate to conduct a study to support designation of beneficial uses specific to Sandy Creek.

The proposed Special Order delays the requirement to implement dechlorination until 29 January 2009.

ISSUES

This item is not expected to be contested.

Mgmt. Review: \_\_\_\_\_

Legal Review: \_\_\_\_\_

Central Valley Regional Water Quality Control Board  
Rancho Cordova, California  
28-29 April 2005

WDH:4/14/05